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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,316	12/10/2004	Kazuo Tomita	P26274	8638
7055	7590	06/22/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/516,316

Applicant(s)

TOMITA, KAZUO

Examiner

Daniel C. Crane

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3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/7/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **BASIS FOR REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodge (2,017,247). See Figure 2 where the die base 26 supports a die body 24, 25 with die tips 8 of different sizes.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterich (1,449,385) in view of Endo (JP 3-189021). Dieterich shows “clamping” punch tips 16 of a shorter length than “forming” punch tips 15 but does not show that the punch body fits slidably within a cylindrical punch guide. Such is shown by Endo at 11 so as to facilitate reciprocatory movement. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Dieterich’s punch by fitting the punch body 12 slidably within a cylindrical guide as taught by Endo at 11 for the above noted motivation.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji (6,606,926) in view of Endo (JP 3-189021). Tsuji illustrates the claimed punch press tool 10 where punch “forming” tips 16 have different lengths from punch “clamping” tips 16 (see Figures 1, 2 or 3). The tips are disclosed as being inserted into holes of punch plate 12. The

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stripper is shown at 15. A cylindrical punch guide is not shown, however, such is common in the punch art. Endo shows this to be known at 11. Therefore, it would have been obvious to the skilled artisan at the time of the invention to have modified Tsuji's punch plate by configuring the plate as a cylinder so as to facilitate guided linear motion within the punch using the concepts taught by Endo.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (1,402,284) in view of Endo (JP 3-189021). Daniels illustrates a punch press tool with "forming" punch tips 5, 7 and "clamping" punch tips 4, 6 that are shorter than the forming punch tips. While Daniels does not show that the sliding body is slidably supported in a punch body, this is clearly a well-known feature in the punch art. In this regard, it is widely known to use a ram to reciprocate the sliding body in a punch press. Accordingly, it would have been obvious to the skilled artisan to have operated the sliding body 1 within a punch holder so as to facilitate reciprocation of the sliding body as well known in the art, such known holder being shown by Endo at 11.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

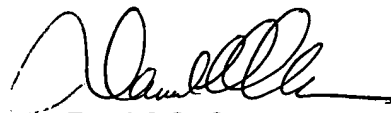
#### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

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Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane  
June 15, 2006

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a stylized, flowing script.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725